IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9410 of 2005

Between:

Hirekar Bharathi Bai, W/o. H.R. Harichander,
R/o. 6-3-594/11, Venkataramana Colony, Khairatabad,
Hyderabad-500 004.

..... PETITIONER

AND

1 Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
2 The Executive Engineer, Division No.II, Special Circle, (Floods), Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or any direction especially one in the nature of a writ of Mandamus declaring the action of the respondents in laying down S.W.Drain for Flood Water through the land belonging to the petitioner situated in Block No.3, Ward No.6, Jaffar Ali Bagh, Hyderabad without paying any compensation or providing any alternative land as bad, illegal, arbitrary and capricious, without jurisdiction, violition of principles of natural justice, Article 300-A of the Constitution of India, Hyderabad Municipal Corporations Act, 1955 and the Land Acquisition Act, 1894, and also contrary to the judgment rendered by a Division Bench of this Hon'ble Court reported in 2001(3) ALD 173, and consequently direct the respondents either to pay compensation or to provide an alternative land.

Counsel for the Petitioner:MR.A.GOPALAKRISHNAMACHARYULU

Counsel for the Respondents: MR.G.RAMA RAO

The Court at the admission stage made the following :

ORDER:

The only grievance of the petitioner is that the respondents having laid down S.W.Drain for flood water through the land belonging to the petitioner situated in Block No.3, Ward No.6, Jaffar Ali Bagh, Hyderabad, failed to pay any compensation, nor they provided any alternative land. Hence, this writ petition is filed seeking a declaration that the action of the respondents is arbitrary and illegal.

The petitioner states that she made a representation on 27.12.2004 requesting respondent-corporation to pay the compensation to which she is entitled to as per law. It is further stated that though the representation was received in the Office of the respondents-corporation on 30.12.2004, the same has not been considered so far.

Since the representation is pending before the respondent-Corporation, without expressing any opinion on merits, the writ petition is disposed of, with a direction to the 1st respondent to consider the representation of the petitioner dated 27.12.2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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26.04.2005

Note: Issue C.C. in one week.

(B/o)

Jsu

To

1 Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
2 The Executive Engineer, Division No.II, Special Circle, (Floods), Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.

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